

STATE OF TEXAS
COUNTY OF HARRIS

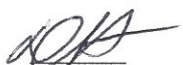
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I, David Howell, being of legal age and sound mind state under the penalty of perjury as follows:

My name is David Howell, my date of birth is February 3, 1940, and I reside in Harris County, Texas.

I am a Senior Right of Way Agent for the International Right of Way Association (SR/WA), and I have been an expert witness on many occasions that involved the issues of easements, abandonment of easements and recovery of abandoned pipeline and pipeline appraisal. I am the managing partner of Pipeline Equities, a company that operates to identify abandoned rights of way and easements and recovery of buried pipelines. Over the last 30 years that I have been in the pipeline business, I have participated in many cases as an expert witness and in giving opinions of value of pipelines. Often, this requires the examination of contract documents and easements to determine ownership. I have authored articles on the subject of abandonment and ownership of abandoned pipelines. (See my resume incorporated herein by reference and attached hereto.)

I have reviewed affidavits of landowners, photographs of the cable at issue, as well as, the structure in which the cable is housed, and it is my opinion that this AT&T cable is a case of abandonment. It appears AT&T no longer intends to use this cable for its "intended use" and by not maintaining facilities or selling and removing them from the easement, they have shown they no longer have use for it and have given it up entirely. In fact, the images of the cable cut in half demonstrate that there is no maintenance to the cable whatsoever, and that it has not been used for its intended purpose for quite some time. This "cessation of use" also demonstrates an intent to abandon



Affiant's initial

the easement. At lease one building along the right of way easement belonging to the grantee (AT&T) has been sold further indicating the company no longer has use for the easement or the facility necessary for it's operation.

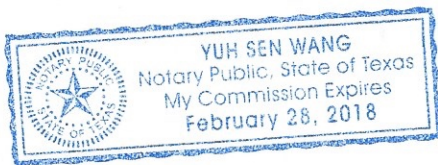
Generally, it has been my experience that when a company no longer has need for an easement, they abandon-in-fact that easement by no longer maintaining or using it. In that way, they can hold onto it just in case they might need it for some reason. This also saves the expense and trouble of filing a release of right of way for each landowner. It has also been my experience that small landowners, with one hundred, five hundred or twelve hundred feet of abandoned easement, do not want to hire a lawyer to go after the grantee in order to get a release due to time and expense involved. The time, expense and energy required to battle a company (grantee) that operates with the mindset "out of sight, out of mind" can be cost prohibitive for a small landowner.

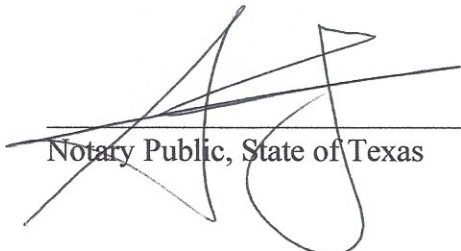
Verification

David Howell appeared in person before me today and stated on his oath that he is the affiant, that he has read the foregoing Affidavit, and that the statements contained in it are within her personal knowledge and are true and correct.


David Howell, Affiant

This Affidavit was signed under oath before me at 6:25^p p. m. on July 6th 2016 by the affiant.





Notary Public, State of Texas



Affiant's initial

David Howell
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Houston, Texas 77057
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EXPERIENCE

1987-Present Pipeline Equities, Houston, Texas

Bought, sold, evaluated and appraised operating crude, natural gas and product pipelines for company account. Acted as agent for Exxon, Occidental, Texaco, Arco and Koch and others. Engaged in the purchase and deconstruction [removal] of 15 million feet of pipelines and associated gas plants, refineries, gathering systems and crude oil terminals. Responsible for overall projects including procurement, inspection, evaluation, hiring of supervisory personnel, environmental issues (including asbestos issues and ACM), compliance, landowner relations, and right-of-way issues as well as marketing in U. S. and exporting to China and India and other markets. Developed pipeline appraisal business encompassing throughput, pipe values, salvage, and the “forty factors” concept for valuating pipelines including transmission, trunk, main and gathering systems as well as easements. Active in consulting in litigation for pipeline companies, land owners and government agencies in North America regarding issues of easements and right of way contracts, pipeline safety, construction and deconstruction practices, environment concerns and the issues of abandonment of pipelines.

1983-1987 Tradex Tubulars, Houston, Texas and Anchorage, Alaska

Purchased surplus and used oilfield tubulars on North Slope and Kenai, Alaska. Refurbished and sold in the United States and Canada and other markets. Responsible for purchasing, plugging and abandoning depleted oil and gas wells for salvage in Texas and Louisiana for company account. Responsible for marketing resulting pipe and equipment.

1972-1983 Tradex Petroleum Services, Houston, Texas

Bought, sold, fabricated, unitized, and exported oilfield drilling and production equipment to contractors in U. S., South America, Central America, and Persian Gulf [Iran]. Packaged mud pumps and other components as well as complete drilling rig packages to customer specifications with combined new, used, and rebuilt equipment. Initiated and maintained extensive electronic database of worldwide petroleum industry.

1977 – 1979 Southwest Supply, Houston, Texas

Served as President and CEO of general-purpose oilfield pipe and supply with nine stores throughout South Texas, New Mexico and South Louisiana.

1973 – 1983 Tradex Publications, Houston, Texas

Published Tradex, a journal of used oilfield equipment, which was distributed throughout the world (15,000 copies.) Also published 30 titles of oilfield directories and technical manuals including Whole World Oil Directory, Alaska Petroleum and Industrial Directory, Texas Drilling Permits, Texas Petrodata Report and Southwest Petrodata Report via electronic publishing related database marketing.

1970-1973 Americana Petrochem, Houston, Texas

Construction and operation involving offshore production platforms. Working from base platforms and new construction for additional new adjacent platforms involving crude and natural gas hook ups for new oil and gas production. Additional research and development of oil spill dispersants and biodegradable chemicals for use on offshore drilling rigs and drill ships. Developed brands of “Deep Six Degreaser”, “Rig Wash” and “Supergard” as biodegradable chemicals suitable and safe for offshore use.

1968 – 1970 Western Company of North America

City Sales and Technical Field Representative: downhole services. Responsibilities including extensive laboratory work testing new cementing techniques and formulas for ultra deep heat and pressure sensitive applications for offshore and onshore ultra deep oil and gas wells.

1964 – 1972 S.H. Howell Drilling Company, Alice, Texas

Partner in exploration, drilling, production, and work over in South Texas for company account.

EDUCATION

Texas A&M University – Kingsville, B.A. Political Science (International Relations)

University of Texas Petroleum Technology School; Pipeline Technology Certificate

Program majoring in petroleum technology, technical aspects of hydraulics and pipeline construction, coatings, transportation and distribution.

University of Texas Petex: Various certificate programs in oil and gas appraisal, oil and gas well log analysis, petroleum accounting methods, oil and gas well completion methods, well servicing procedures, natural gas processing, and oil and gas production.

Senior Right of Way Agent Designation, International Right of Way Association; completed twenty-one required courses in various right of way disciplines leading to SRWA (Senior Right of Way Agent) designation. Negotiation/Acquisition certification; International Right of Way Association; Environmental Certification, International Right of Way Association. Appraisal Certification, International Right of Way Association. Certification: Pipeline Appraisal Institute.

Member; International Right of Way Association, Houston Pipeliners Association, Pipeline Appraisal Institute.

Academic programs in language, culture and foreign trade at:

Universidad Nacional Autonoma de Mexico, Mexico, D.F.; University of the Americas, Mexico D. F.; Inter-American University, Saltillo, Mexico; Cultura Lenguas (CLIC), Seville, Spain; Intensa (Language), San Jose, Costa Rica; Academia de Espanol, Quito, Ecuador

BOOKS AND ARTICLES

Methods for Determining the Values of Pipelines, Part I (September 2010, Pipeline & Gas Technology)

Methods for Determining the Values of Pipelines, Part II (October 2010, Pipeline & Gas Technology)

Proper Pipeline Valuation Requires Specialized Appraisal (May 24, 2010, Oil & Gas Journal)

What is the Value of Your Pipeline? (May 2010, Pipeline & Gas Journal)

The Underground World of Pipeline Appraisal (May/June 2010, Right of Way Magazine)

Pipeline Operators Under using Potential Pipeline Rehabilitation (January 2010, Oil & Gas Journal)

Who Owns Abandoned Pipelines? (October 2009, Pipeline & Gas Journal)

The Art of Pipeline Recovery (January/February 2009, Right of Way Magazine)

The Search for Abandoned Pipelines (September/October 2007, Right of Way Magazine)

The Case for Pipeline Recycling (April 2010,Throughput Emag)

Deconstruction of Pipelines (July 2010,Throughput Emag)

Forty Factors for Pipeline Appraisal (August 2010, Throughput Emag)

Markets and Reuses for Recovered Pipelines, (September 2010, Throughput Emag)

Pipeline Recovery Manual, Second Edition 2010

Pipeline Appraisal Handbook, 2010

Pipeline Right of Way Handbook, 2011